



Amy Jankowiak
Department of Ecology
Northwest Regional Office
Water Quality Program
3190 160th Avenue SE
Bellevue, WA 98008
amy.jankowiak@ecy.wa.gov

13 February 2012

Re: Support Proposed Amendments to the Cruise Ship MOU

Dear Ms. Jankowiak,

Thank you for proposing two of the three amendments put forward by Friends of the Earth, People for Puget Sound and Puget Soundkeeper Alliance for the Memorandum of Understanding (MOU) governing cruise ship discharges in Washington State waters and the Olympic Coast National Marine Sanctuary.¹ We strongly support both proposed amendments and we urge the Washington State Department of Ecology (Ecology), Port of Seattle (Port) and North West & Canada Cruise Association (NWCCA) to adopt the most protective measures for Puget Sound as a part of the Cruise MOU—a full wastewater discharge ban for cruise ships in all MOU waters. Furthermore, more than 1,300 Friends of the Earth members and activists in Washington State submitted comments in support of a cruise ship wastewater no-discharge zone.²

I. Introduction

Last year Ecology, the Port and NWCCA agreed to establish a process to solicit public suggestions for possible additions or changes to the 2004 Memorandum of Understanding (MOU) every three years. Therefore, this comment period is particularly important in that it will be the last time in three years the public will have any say in the growing introduction of nutrients, toxics, pharmaceuticals, bacteria and disease into the Sound. We support the governor's initiative to restore the health of the Puget Sound ecosystem – an initiative which

¹ http://www.ecy.wa.gov/programs/wq/wastewater/cruise_mou/index.html.

² Letters from Friends of the Earth activists have been submitted electronically to the MOU parties under separate cover.



will cost millions of dollars. We need all partners, including the Department of Ecology and the Port of Seattle to help protect this investment.

The Port of Seattle reported that the 2011 cruise season was more robust than expected. The port counted 885,949 cruise passengers among 196 ship calls in the late-April-through-early-October cruise season. It is the express goal of the Port's Century Agenda to double the number of cruise ship calls within 20 years. According to Ecology, four of the vessels calling in 2011 had traditional Marine Sanitation Devices, eight had Advanced Wastewater Treatment Systems (AWTS), and two were of unknown capability. It is troubling that despite Ecology's ability to board these vessels, they were unable to even ascertain the type of treatment system on two of the 12 vessels home-ported in Seattle. We are concerned that at the end of the eight cruise seasons (since the inception of the MOU) that complete data including this basic information has not yet been provided by the cruise ship industry.

The amendments proposed by Friends of the Earth, People for Puget Sound and Puget Soundkeeper Alliance and those that were accepted by the MOU parties are not intended to be punitive. Rather, they afford the MOU parties the opportunity to demonstrate their collective leadership in contributing to the region's economy while minimizing environmental impacts.

The fact that none of the homeported vessels, capable of carrying more 5,000 passengers and crew typically producing over 200,000 gallons of sewage (black water) and up to 1 million gallons of gray water per week,³ sought permission to discharge in State waters this past season, demonstrates their ability to comply with a discharge ban. However, that could change annually they can simply seek permission from Ecology at the beginning of each new cruise season. For example, it is not clear what Disney will do next season when they will begin homeporting ships in Seattle.

We believe that it is imperative that our public agencies and responsible industry leaders do their part to assure that as this industry continues to enjoy rapid expansion, it takes all reasonable efforts to minimize their impacts.

II. Cruise Ship Pollution Harms the Environment & Public Health

Information from a 2008 U.S. EPA report⁴ indicates that regulated and unregulated discharges from cruise ships have the potential to harm the marine environment. For example, as demonstrated in greater detail below, the various pathogens and pollutants found in wastewater released into marine waters by cruise ships, even when treated by varying treatment systems, exceed state and federal standards, harm marine resources, and impair recreational opportunities. The introduction of significant volumes of fecal

³ *Cruise Ship Pollution: Background, Laws and Regulations, and Key Issues* RL32450, Congressional Research Service, Claudia Copeland, updated Nov. 17, 2008, at CRS-2.

⁴ *Cruise Ship Discharge Assessment Report*, U.S. Environmental Protection Agency, Dec. 29, 2008, at 3-5 – 3-28, http://www.epa.gov/owow/oceans/cruise_ships/pdf/0812cruiseshipdischargeassess.pdf (hereinafter *Cruise Ship Report*).

coliform,⁵ ⁶ nutrients,⁷ chlorine,⁸ and metals⁹ through ship discharge is incompatible with the core elements of the of the Puget Sound Partnership's Action Agenda.

The Puget Sound Partnership's Action Agenda and ecosystem targets, first developed in 2008, defines what a healthy Puget Sound is, describes the current state of Puget Sound, prioritizes cleanup and improvement efforts, and highlights opportunities for federal, state, local, tribal and private resources to invest and coordinate. By statute, the near-term strategies and actions described in the Action Agenda must be updated every two years. This proposed amendment specifically supports the Action Agenda's item C8.1 "Establish no discharge zones for commercial and recreational vessels in all or parts of Puget Sound that have nutrient and/or pathogen problems." Addressing cruise ship discharges, as described in this proposal, is also supported by the comments of the Environmental Caucus to the Action Agenda.

III. Banning Cruise Ship Discharges is Consistent with Recent Regulatory Actions by NOAA in the Olympic Coast Sanctuary and U.S. EPA in California

Due to the above-mentioned concerns on November 1st the Olympic Coast National Marine Sanctuary published a Final Rule updating its Management Plan and regulations for the first time since its creation over 17 years ago. The only revision to the regulations "is a ban on cruise ship discharges within the sanctuary, a preventative measure to protect water quality off the Washington coast with negligible economic impact to the industry."¹⁰ The Olympic Coast Sanctuary joins the four National Marine Sanctuaries in California in adopting a vessel wastewater discharge ban.

In addition, just last week the state of California's application for a statewide No-Discharge Zone for large passenger ships and other ocean-going vessels 300 gross tons or larger was finally approved by the U.S. Environmental Protection Agency.¹¹ EPA's action will ban all sewage discharges from large cruise ships and most other large ocean-going ships to state marine waters along California's 1,624 mile coast from Mexico to Oregon and surrounding major islands. The action strengthens protection of California's coastal waters from the adverse effects of sewage discharges from a growing number of large vessels. EPA estimates that the rule will prohibit the discharge of over 22 million of the 25 million

⁵ Cruise Ship Report, at 2-9. Of the 92 samples taken from 21 cruise ships in Alaska during voluntary sampling in 2000 and 2001, only 43 percent met fecal coliform standards and only 32 percent met total suspended solids standards for ship effluent. Only one sample of 70 met both.

⁶ *Id.* at 2-35. For three pollutants – fecal coliform, total residual chlorine and ammonia – end-of-pipe discharge levels are high enough that they may not meet NRWQC after mixing when the vessel is at rest.

⁷ *Id.* at 2-34. Average effluent concentrations of ammonia from traditional Type II MSDs and AWTs exceed all of the water body ammonia standards.

⁸ *Id.* at 2-30. Both traditional Type II MSD and AWTs effluent concentrations exceed NRWQC for total residual chlorine at the end of the pipe.

⁹ *Id.* at 2-31. Several dissolved metals that are common components of ship piping – copper, nickel, and zinc – were found at levels approximately one to four times above NRWQC for aquatic life.

¹⁰ <http://olympiccoast.noaa.gov>.

¹¹ <http://www.epa.gov/region9/mediacenter/nodischarge/index.html>.

gallons of treated vessel sewage generated by large vessels in California marine waters each year, which could greatly reduce the contribution of pollutants still found in treated vessel sewage.

IV. Conclusion

While it was disappointing not to see mention of support for the Puget Sound Partnership in the Port's own Century Agenda, the success of the Partnership to recover the Sound by 2020 in light of increasing population pressures, requires that everyone does their part to be part of the solution. The proposed MOU amendments provide Ecology, the Port and the NWCCA the opportunity to halt a significant and growing source of Sound pollution immediately. Growing concern about the impacts of ocean acidification on Pacific Northwest waters is further exacerbated by the addition of nutrient loading. The flexibility of mobile dischargers to hold their wastes until they are in less impaired waters makes for a win-win situation.

Thank you for your consideration of the proposed amendments.

If you have any questions, please contact Fred Felleman at (206) 595-3825 and felleman@comcast.net or Marcie Keever at (415) 544-0790 x 223 and mkeever@foe.org and Katelyn Kinn at (206) 297-7002 and katelyn@pugetsoundkeeper.org.

Sincerely,

Fred Felleman, Northwest Consultant
Marcie Keever, Oceans & Vessels Project Director
Friends of the Earth

Katelyn Kinn
Legal Affairs Coordinator
Puget Soundkeeper Alliance

Cc: Port of Seattle Commission
Northwest & Canada Cruise Association